

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al } ORDER,
- vs - } GRANTING APPLICATION OF THE
ARAKI, Sadao; et al } PROSECUTION TO WAIVE RULE
6(B)(1) IN RESPECT TO
PROSECUTION DOCUMENTS 1744
AND 1906

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, upon the application of the Prosecution for leave to waive compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East in respect to Prosecution Section documents numbered 1744 and 1906 and permit the Prosecution to file with the Court the original documents, and to introduce in evidence and serve upon the attorneys for the accused, copies of excerpts therefrom in both Japanese and English, and after hearing the arguments of counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application as to Prosecution Section documents numbered 1744 and 1906 be granted; and it is further ordered, that the Prosecution shall also prepare and furnish to counsel for the accused, copies of additional documents, as excerpts from document numbered 1906, in both Japanese and English, enumerated as follows:

1. Enclosure No. 4 to despatch No. 1142 of C. E. Gauss, American Consul General at Shanghai, China, dated January 5, 1938, on the subject: "Flag Incident at Wuhu and Conditions there and in Nanking after the Japanese Occupation."

Copy of letter dated December 17, 1937, from the Rev. L. R. Craighill to Mr. Gilmore, received December 22, 1937.
2. Cable dated January 20, 1938 from Mr. C. E. Gauss, to AMEMBASSY, Peiping, Nanking, Henkow.
3. Enclosure No. 1 to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter from Lewis S. C. Smythe to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, dated December 16, 1937.

4. Enclosure No. 1-f to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 26, 1937.
5. Enclosure No. 1-g to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 30th, 1937.
6. Letter to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed John H. D. Rabe, Chairman, dated December 15, 1937.
7. Sub-enclosure No. 1, Enclosure No. 8-10, letter to Mr. Tokuyasu Fukuda, Japanese Embassy, Nanking, from H. D. Rabe, dated January 7, 1937.
8. Cable dated January 27, 1938 to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.
9. Cable dated February 1, 1938 to AMEMBASSY, NANKING; AMEMBASSY, PEIPING; AMEMBASSY, HANKOW, signed Gauss.
10. Cable dated February 13, 1938 to AMEMBASSY, NANKING, signed Johnson.
11. Cable dated February 18, 4 p.m., to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMERICAN CONSUL, SHANGHAI, signed Allison.
12. Cable sent via Naval Radio GAjr, dated at Nanking, March 12, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Atcheson.
13. Cable sent via Naval Radio, dated March 16, 1938, to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.
14. Cable sent via Naval Radio, dated April 14, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMEMBASSY, NANKING, from AMCONSUL, TSINGTAO, signed Gourley.

15. Cable sent via Naval Radio, dated April 26, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, NANKING; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING, from AMCONSUL, SHANGHAI, signed Lockhart.
16. Cable sent via Naval Radio, dated May 27, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, NANKING; AMCONSUL, SHANGHAI, from PEIPING, signed Salisbury.
17. Telegram sent via Naval Radio, dated December 12, 1938, 10 a.m., to AMERICAN CONSUL, SHANGHAI, subject "Chinese bombers over Nanking", signed Cooper.

Dated at Tokyo, Japan, this 6 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT